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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/828,453	04/20/2004	Raymond R. Gosselin	58032US010	3998

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EXAMINER	
NORDMEYER, PATRICIA L	

ART UNIT	PAPER NUMBER
1772	

NOTIFICATION DATE	DELIVERY MODE
07/17/2007	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

LegalUSDocketing@mmm.com  
LegalDocketing@mmm.com

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/828,453	GOSSELIN, RAYMOND R.	
	Examiner	Art Unit	
	Patricia L. Nordmeyer	1772	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 04 June 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Repeated Rejections***

1. The 35 U.S.C. 103 rejection of claims 1, 3, 4, 6, 7, 10 – 13, 15, 16, 18, 19, 21, 22, 24 and 26 over Wright et al. (USPN 6,416,857) in view of Shadle et al. (USPN 6,270,122) in the office action March 2, 2007 is repeated as Applicant's arguments in the response dated June 4, 2007 are found to be unpersuasive. The rejection is repeated below for Applicant's convenience.

With regard to the amendments to claims 1, 6, 12, 16 and 21, Shadle et al. teach that the mask is colored on the tamper indicating device by depositing it on a substrate (Column 7, lines 36 – 30), and the mask is partially removed from the device by the clearing agents (Column 8, line 7 to Column 9, line 8).

Wright et al. disclose a tamper indicating device (Column 1, lines 9 – 10) used in combination with an object having secured information (Column 9, lines 7 – 18) comprising a backing having a first side and a second side (Column 3, lines 15 – 16), wherein the backing comprises a first phase and a second phase (Column 3, lines 17 – 19), wherein the backing has a first level of light diffusion, and when a peeling force is applied to the backing, the backing fractures (Column 3, lines 32 – 38) and has a second level of light diffusion that is a higher level of light diffusion than the first level of light diffusion (Column 2, lines 27 – 31) a flood coat applied to the second side of the backing (Column 4, lines 53 – 56), an adhesive layer bonded to the flood coat (Column 5, lines 56 – 58) in claims 1, 3, 6, 7, 10, 14, 16, 18, 21, 22 and 25.

Regarding claims 2, 5, 9, 13, 14, 17, 20, 23 and 24, the tamper indicating device further

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comprises at least one security marking applied to the first side of the backing (Column 4, lines 56 – 59). As in claims 4, 11, 15, 19 and 26, the adhesive layer is a pressure sensitive adhesive layer covered with a release liner (Column 5, lines 56 – 58). Wright et al. also disclose a tamper indicating device used in combination with an object having secured information (Column 9, lines 7 – 18) comprising a backing having a first side and a second side (Column 3, lines 15 – 16), wherein the backing comprises a first phase and a second phase (Column 3, lines 17 – 19), wherein the backing is light transmissive, and when a peeling force is applied to the backing, the backing fractures (Column 3, lines 32 – 38) and become more opaque (Column 2, lines 27 – 31); an adhesive layer applied to the second side of the backing (Column 5, lines 56 – 58), wherein the adhesive is colored and bonded to the application surface of the object (Column 9, lines 37 – 42). However, Wright et al. fail to disclose the flood coat defining a window therein, a mask applied to the tamper indicating device and the mask being in partial or whole registration with the window in the flood coat.

Shadle et al. teach an irreversible display (Figure 12, #110) having a flood coat defining a window therein (Figure 13, #118), a mask applied to the tamper indicating device (Figure 13, #120) and the mask being in partial or whole registration with the window in the flood coat (Figure 13, #118 and 120) for the purpose of having a display that temporarily obscuring predetermined indicia from view (Column 1, lines 44 – 45)

It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have provided the flood coat layer with a window covered by a masking

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layer in Wright et al. in order to have having a display that temporarily obscuring predetermined indicia from view as taught by Shadle et al.

2. The 35 U.S.C. 103 rejection of claims 2, 5, 8, 9, 14, 17, 20, 23 and 25 over Wright et al. (USPN 6,416,857) in view of Shadle et al. (USPN 6,270,122) and Mocilnikar et al. (USPN 5,346,259) in the office action March 2, 2007 is repeated as Applicant's arguments in the response dated June 4, 2007 are found to be unpersuasive. The rejection is repeated below for Applicant's convenience.

Wright et al., as modified with Shadle et al., disclose a tamper indicating device used in combination with an object having secured information comprising a backing having a first side and a second side, wherein the backing comprises a first phase and a second phase, wherein the backing has a first level of light diffusion, and when a peeling force is applied to the backing, the backing fractures and has a second level of light diffusion that is a higher level of light diffusion than the first level of light diffusion a flood coat applied to the second side of the backing, an adhesive layer bonded to the flood coat, having a flood coat defining a window therein, a mask applied to the tamper indicating device and the mask being in partial or whole registration with the window in the flood coat. However, the modified Wright et al. fail to disclose the security marking has the same color as the flood coat.

Mocilnikar et al. teach an anti-theft label wherein the security marking has the same color as the flood coat (Column 4, lines 34 – 43) for the purpose of having a label wherein the label and information become unusable due to the damaged label (Column 3, lines 19 – 29).

It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have provided the security marking has the same color as the flood coat in the modified Wright et al. in order to have a label wherein the label and information become unusable due to the damaged label as taught by Mocilnikar et al.

### ***Response to Arguments***

3. Applicant's arguments filed June 4, 2007 have been fully considered but they are not persuasive.

In response to Applicant's argument that the prior art fails to disclose the amended limitations to claims 1, 6, 12, 16 and 21, Shadle et al. teach that the mask is colored on the tamper indicating device by depositing of metal on a substrate (Column 7, lines 36 – 30), and the mask is partially removed from the device by the clearing agents (Column 8, line 7 to Column 9, line 8).

In response to Applicant's argument that Shadle et al. does not contemplate a mask that is printed, colored, drawn, embossed or scratched on the device, Shadle does teach that the mask is colored on the tamper indicating device by depositing of metal on a substrate (Column 7, lines

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36 – 30), wherein the transparent substrate is colored by the metal being deposited on the surface.

In response to Applicant's argument that Shadle et al. also fails to teach or suggest an article including an objecting having secured information and a mask that obscures the secured information until the mask is at least partially removed from the tamper indicating device, Shadle et al. teach the mask is partially removed from the device by the clearing agents (Column 8, line 7 to Column 9, line 8), thereby allowing the graphics beneath the surface to be exposed (Column 8, lines 38 – 40). While Shadle et al. does not physically separate the metal film from the graphics layer, the mask provided by the metal layer is still partially removed from the device by the clearing agents. If removal did not occur, the graphics underneath the surface would not be exposed.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, both Wright et al. and Shadle et al. are directed towards tamper indicating devices that involve masks. Shadle et al. shows that it would be obvious to one of ordinary skill in the art to change the shape of both the flood coat and mask layers depending on the end design

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of the overall tamper indicating device, thereby controlling the graphics that are shown or exposed by the removal of the mask layer.

### ***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

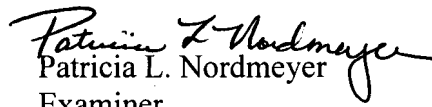
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L. Nordmeyer whose telephone number is (571) 272-1496. The examiner can normally be reached on Mon.-Thurs. from 10:00-7:30 & alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena L. Dye can be reached on (571) 272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Patricia L. Nordmeyer  
Examiner  
Art Unit 1772

pln